App. F. IX-4

Previous References

1930. ~~Leave~~ Leave

File No. 166-30

Serial Nos. 1

Later References

34

General and Revenue Secretariat.

Serial Nos. One

Part B for June 1931

SUBJECT.

Re: seizure of Letters of Messrs: K. T. Bhashyam and Sarma.

~~Papers~~ Notes re: seizure of letters addressed to Messrs: K. T. Bhashyam and Sarma

Appendix F G—1

Seeping Letters
Sent to Depts
S-1)129

Confidential

Section

File No.

Serial No.

No. 34 of 10-29.
P. of 10 29

.....

Sir,

With reference to your
O.M. C 3203 dated 4th July '29
(info) addressed to the Chief
I am directed to enquire
on what materials for
mr. Bhashyam Iyengar
from Burma (Prest. & Secy. of the
L.U.M.) are inspected
in touch with some of the
foreign labour agitators
advocating violent methods
I am to request you

over

List of enclosures.....

Copied by.....

Examined by.....

WD 0399—GPB—20,000—18-9-28

that such materials, if
any, may be communicated
for information of Govt

Yours &c

To

Sir H. Williamson Esq
M.P.

To

The Secretary to the Honble
the Resident in Mysore.

Sir,

I am directed to state that there is a Labour Union in Bangalore City called the Bangalore Textile and Labour Union of which Mr. K.T.Bhasyam Iyengar, B.A.,B.L.,Advocate is the President and Mr. Ramasarma is the Secretary. Both of these gentlemen are reported to be takeing an active part in fomenting labour troubles in the State. As there was an apprehension of a breach of the peace recently on account of their activities, security proceedings under Section 107 Cr.P.C have been taken against them and the case is pending before the First Magistrate, Bangalore. It is further reported that both ~~th~~ these gentlemen together with certain Mill hands were involved in a recent riot and that they are about to be charge-sheeted in one or two days.

2. It has been brought to notice that Bhasyam had recently been to Bombay and the

Inspector General of Police reports that there are reasons to suspect that both the President and the Secretary of the above Union are probably in touch with foreign labour agitators who advocate violent methods. The Manager of the Binny Mills is also of opinion that these gentlemen are chiefly responsible for most of the labour troubles in Bangalore at the present moment. The Inspector General of Police is of opinion that it has become necessary to seize and examine the correspondence of these gentlemen passing through Post Offices in Bangalore with a view to find out their connection with the foreign labour agitators.

3. In this connection, I am to invite your kind reference to the comprehensive nature of the provisions of section 26 of the Indian Post Office Act (VI of 1898) as extended to the Civil and Military Station Bangalore by Government of India Notification 318/D., dated 16th January 1917. According to this section, on the occurrence of any public emergency or in the interests of the

public safety or tranquility the Hon'ble the Resident in Mysore may by order in writing direct that any postal article in course of transmission by post shall be intercepted or detained or shall be disposed of in such manner as he may direct, since he can exercise all the powers of a local Government by virtue of the Government of India Notification. It may be added that while Section 27B of the Post Office Act and Section 3 of the Princes Protection Act of 1922 provide for an application to the High Court by the party connerned under the operation of Section 26 of the Post Office Act which vests unfettered discretion in the hands of the Residency.

4. Since in the opinion of the Durbar, the present labour situation in Bangalore City is one which calls for the exercise of these emergency powers under Section 26 of the Post Office Act in order to preserve the public safety or tranquility in the State, I am directed to request you to be so good as to move the Hon'ble the Resident to issue

necessary instructions to the Postal authorities in Bangalore to make arrangements to detain or intercept all such correspondence of Messrs. K.T.Bhasyam and Ramasarma on the grounds stated above.

I have &c.,

Secretary to Government,
Law Department.

O P I N I O N.

Under Section 5 of the Mysore Post Office Regulation I of 1899, the law as to the regulation of Post Offices as in force in British India shall be deemed to apply to Mysore, so far as may be suitable. Though perhaps this provision may not render references to Governor General in Council or local Government in the Post Office Act VI of 1898 to mean Government of Mysore, since the Act is not made applicable to Msyore "Matatis Mutandis" as required by Section 31 of the General Clauses Regulation (III of 1899), the Governor General in Council or the local Government can exercise jurisdiction under the Post Office Act over the Post Offices in Mysore. Consequently under the powers vested under Section 26 and 27B of the Post Office Act, any postal article (Newspaper or Book) suspected of containing any seditious matter may be detained in the course of transmission by post in Mysore. Since Section 3 of the Indian States (Protection against disaffection) Act of 1922, authorises the Government of India to take cognizance of any seditious matter edited printed or published in British India against any prince or Chief of a State in India or the Government established in any such State, the Residency may be addressed to move the Government of India to require the Post Master General to empower the Postal officers in the Mysore State to detain and hand over such postal articles to the officers of the Mysore Government under the provisions of Section 27B and 26 of the Post Office Act.

Copies of Sections 26 and 27B of the Post Office Act and Section 3 of the Indian States (Protection against disaffection)Act are herewith enclosed for ready reference.

Legal Rememorancer.

12.7.29

Fair copy

copy submitted to Diwan on 17/7/29

O P I N I O N.

Section 5 of the Mysore Post Office Regulation (I of 1899) provides that the law of British India for the regulation of Post Offices as well as rules and orders having the force of law in British India, shall be deemed to apply to the territories of Mysore so far as they may be -- suitable. It is true that this provision does not render references to Governor General in Council or local Government in the Post Office Act (VI of 1898) to mean "Government of Mysore", since the Act is not made applicable to Mysore "mutatis mutandis" as required by Section 31 of the General Clauses Regulation (III of 1899). But by virtue of Section 5 of the Mysore Post Office Regulation (I of 1899), which was passed "to make better provision for the efficient working of the British Postal department in the territories of Mysore" (Vide preamble), all offences under the Indian Post Office Act also become offences under the Mysore Law and the Governor General in Council can exercise jurisdiction under the Post Office Act over the Post Offices in the Mysore State. Consequently under the powers vested under Section 26 and 27B of the Post Office Act, any postal article (Newspaper or Book) suspected of containing any seditious matter may be detained in the course of transmission by post in Mysore.

2. Since Section 3 of the Indian States (Protection against disaffection)

Act of 1922, authorises the Government of India to take cognizance of any seditious matter edited, printed or published in British India against any Prince or Chief of a State in India or the Government established in any such State, the Residency can be addressed to move the Government of India to require the Post Master General to empower the Postal officers in the Mysore State to detain and hand over such postal articles to the officers of the Mysore Government under the provisions of Section 27B of the Indian Post Office Act.

3. But the powers under Section 26 of the Indian Post Office Act are very comprehensive and more ~~effective~~ executive in their nature. Under the provisions of this section any local Government can take action and direct that any postal article may be intercepted or detained and disposed of in any manner it thinks fit. This law can be put into operation under any of the following conditions

(1) Occurrence of any public emergency; or

(2) Interest of the public safety; or

(3) Interest of the public tranquility

as the Residency can exercise all the powers of a local Government under Government of India Notification No.318D dated 16th January 1917 which extends the operation of the Post Office Act to the Civil and Military Station I think the Residency may be addressed to issue instructions to the local Post Master of the Head Office, Bangalore, to make necessary arrangements to detain and hand over suspected postal articles to the State officer under the provisions of Section 26 of the

of the Post office Act.

4. It has to be observed that while Section 27B of the Post Office Act and Section 3 of the Princes Protection Act provides for an application to the High Court by the party concerned, there is no such provision for cases coming under section 26 of the Post Office Act. Hence the Residency is at liberty to take action under Section 26 of the Post Offices Act since the discretion vested under the said provision is unfettered.

Copies of Sections 26 and 27B of the Indian Post Offices Act and of Sections 3, 4 and 5 of the Indian States (Protection against disaffection) Act are herewith enclosed for ready reference.

The Indian Post office Act

Act VI of 1898.
Indian Post Office Act).

Section 26. (1) On the occurrence of any public emergency, or in interest of the public safety or tranquility, the Governor General in Council, or Local Government, or any officer specially authorised in this behalf by the Governor General in Council, may, by order in writing, direct that any postal articles or class or description of postal articles in course of transmission by post shall be intercepted or detained, or shall be disposed of in such manner as the authority issuing the order may direct.

(2) If any doubt arises as to the existence of a public emergency, or as to ~~xxx~~ whether any act done under sub section (1) was in the interest of the public safety or tranquility a certificate signed by a Secretary to the Government of India, or to the Local Government shall be conclusive proof on the point.

Section 27B. (1) Any officer of the Post Office authorised by the Postmaster-General in this behalf may detain any postal article in course of transmission by post which he suspects to contain--

(a) (i) any newspaper or book as defined in the Press and Registratio of Books Act, 1867, or

(ii) any document;

containing any seditious matter, that is to say, any matter the publication of which is punishable under section 124A of the Indian Penal Code; or

(b) any newspaper as defined in the Press and Registration of Books Act, 1867, edited, printed or published otherwise than

in conformity with the rules laid down in that Act;

and shall deliver any postal article under the provisions of sub section (1) shall forthwith send by post to the addressee of such article notice of the fact of such detention.

(3) The Local Government shall cause the contents of any postal article detained under sub section (1) to be examined, and, if it appears to the Local Government that the article contained any newspaper, book or other document, of the nature described, in caluse (a) or clause (b) of sub section (1) may pass such orders as to the disposal of the article and its contents as it may deem proper, and, if it does not so appear, shall release the article and its contents, unless the same be otherwise liable to seizure under any law for the time being in force:

Provided that any person interested in any article detained under the provisions of clause (a) of sub-section (1) may, within two months from the date of such detention, apply to the Local Government for release of the same, and the Local Government shall consider such application and pass such orders thereon as it may deem to be proper:

Provided also that, if such application is rejected the applicant may, within two months from the date of the order rejecting the application, apply to the High Court for release of the article and its contents on the ground that the article did not contain any newspaper, book or other document containing any seditious matter.

(4) In this section "document" includes also any painting, drawing or photograph, or other visible representation.

Princes Protection Act

8.

Indian States (Protection against Disaffection) Act 1922.

Section 3. (1) Whoever edits, prints or publishes or is the author of, any book newspaper or other document which brings or is intended to bring into hatred or contempt, or excites or is intended to excite disaffection towards, any Prince, or Chief of a State in India or the Government or Administration established in any such State, shall be punishable with imprisonment which may extend to five years, or with fine or with both.

(2) No person shall be deemed to commit an offence under this section in respect of any book, newspaper or other document which, without exciting or being intended to excite hatred, contempt or disaffection, contains comments expressing disapprobation of the measures of any such Prince, Chief, Government or Administration as aforesaid with a view to obtain their alteration by lawful means, or disapprobation of the administrative or other action of any such Prince, Chief, Government or Administration.

4. The provisions of sections 99A to 99 G of the Code of Criminal Procedure, 1898, and of section 27B to 27D of the Indian Post Office Act, 1898, shall apply in the case of any book, newspaper or other document containing matter in respect of which any person is punishable under section 3 in like manner as they apply in the case of a book, newspaper or document containing seditious matter within the meaning of those sections.

5. No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall proceed to the trial of any

offence under Section 3, and no court shall proceed to the trial of an such offence except on complaint made by, or under authority from, the Governor General in Council.

N O T E.

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1. The question for decision is what exactly is to be the procedure which has to be adopted to prevent the circulation in the Mysore State, including the Civil and Military Station, of newspapers printed outside the State, containing grossly objectionable matter, calculated to create communal disharmony or disaffection or bring the administration into hatred or contempt.

2. The Indian Post Office Act VI of 1898 has been recognised and made operative in the Mysore State under Regulation I of 1899. Under this Regulation the law of British India for the regulation of Post Offices as well as the rules and orders framed thereunde have been made applicable to Mysore, so far as they may be ~~x~~ suitable.

3. Section 26 of the Indian Post Office Act VI of 1898 seems to be very comprehensive and its provisions appear to be executive in their nature. Under this Section any Local Government can take action and direct that any postal article may be intercepted or detained and disposed of in any manner it thinks fit. The conditions required to bring this section into operation are as follows:--

(1) occurrence of any public emergency;
or (2) interest of the public safety;
or (3) interest of the public tranquility.

4. As the Indian Post Office Act VI of 1898 has been extended to the Civil and

Military Station, Bangalore under Government of India Notification No.318(D) dated 16th January 1917, the British Resident can exercise all the powers of a Local Government Hence on the occurrence of any public emergency, or in the interest of public safety or tranquility the Resident in Mysore may by an order in writing direct that any postal article in course of transmission by post shall be intercepted or detained or shall be disposed of in such manner as he may direct under the provisions of Section 26 of the Indian Post Office Act.

5. It may be added that while Section 27E of the Indian Post Office Act and Section 34 of the Princes Protection Act of 1922 provide for an application to the High Court by the party concerned, Section 26 of the Indian Post Office Act contains no such provision and it seems to vest unfettered discretion in the hands of the Residency.

6. Since in the opinion of the Durbar the present situation in Bangalore city is one which calls for the exercise of this emergency powers under Section 26 of the Post Office Act in order to preserve the public safety or tranquility in the State, it is a question for orders whether the Government of India may not be approached to authorise the Resident in Mysore to prohibit the circulation of objectionable newspapers printed outside the State under the comprehensive provisions of Section 26 of the Indian Post

Office Act.

7. Another alternative is also feasible. Section 2(i) of the Post Office Act defines postal article as including:--

> "A letter, post-card, newspaper, book, pattern or sample packet, parcel and every article or thing transmissible by post"

The Residency has already taken action to seize certain letters of correspondence of two individuals viz., Messrs. K.T.Bhasyam Iyengar and Sharma (President and Secretary of the Labour Union, Bangalore) at the instance of the Durbar under Section 26 of the Indian Post Office Act. The Residency may now be moved, if there be no objection to take further action under the same section and direct the objectionable outside newspapers to be intercepted in all the post offices of the State, including the Civil and Military Station.

8. Copies of the correspondence between the Durbar and the Residency in this connection are put up for favour of perusal and transmission to Sir B.L.Mitter for reference if considered necessary.

Extract from Gazette of India, January 20th, 1917

Page 105.

Notification

Dated, the 16th January 1917.

No.318-D. In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council 1902, and of all other powers enabling him in that behalf, and in supersession of the Notification of the Government of India in the Foreign Department, No.732-D., dated the 19th March 1913, as subsequently amended, the Governor General in Council is pleased to declare that the enactments specified in the schedule hereto annexed apply to the Civil and Military Station of Bangalore in so far as the same may be applicable thereto, and subject to any amendments to which the enactments are for the time being subject in British India:

Provided, first, that in the enactments as so applied, references to a Local Government, the Chief Commissioner, the Chief Controlling Revenue-authority or the Chief Revenue authority shall be read as referring to the Resident in Mysore; references to a Secretary to a Local Government as referring to the First Assistant to the Resident in Mysore; references to a High Court as referring to the Court of the Resident in Mysore; and except where the context or the modifications hereinafter referred to otherwise require, references to British India or the territories subject to a Local Government as referring to the said Civil and Military Station of Bangalore;

Provided secondly, that the further modifications and restrictions set forth in the said schedule shall be made in the said enactments as so applied:

Provided thirdly that for the purpose of facilitating the application of the said enactments, any Court in the said Civil and Military Station of Bangalore

may construe the provisions thereof and any notifications orders, rules, forms or bye-laws thereunder with such alterations, not affecting the sibstance, as may be necessary or proper to adapt the same to the matter before the Court:

Provided, fourthly, that subject to the provisions of this notification the Resident in Mysore may direct by what officer any authority or power under the said enactments shall be exercisable.

II. All civil and criminal proceedings pending at the date of this Notification shall be carried on as if this notification had not been issued, but that, save as aforesaid, all proceedings commenced, officers appointed or authorised, jurisdictions or powers conferred or confirmed, notifications published, rules or bye-laws made, orders passed and things done under any of the enactments specified in the notificatio.. hereby superseded in the said Civil and Military Station of Bangalore shall be, as far as may be, deemed to have been respectively commenced, appointed or authorised, conferred ~~MM~~ or co.firmed published, made, passed and done under the corresponding enactments specified in this notification.

Schedule.

1 to 59 x x x

60. The Indian Post Office Act, 1898, (VI of 1898)

61 to 89. x x x

Extract from Gazette of India, January 20th, 1917

Page 105.

Notification

Dated, the 16th January 1917.

No.318-D. In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council 1902, and of all other powers enabling him in that behalf, and in supersession of the Notification of the Government of India in the Foreign Department, No.732-D., dated the 19th March 1913, as subsequently amended, the Governor General in Council is pleased to declare that the enactments specified in the schedule hereto annexed apply to the Civil and Military Station of Bangalore in so far as the same may be applicable thereto, and subject to any amendments to which the enactments are for the time being subject in British India:

Provided, first, that in the enactments as so applied, references to a Local Government, the Chief Commissioner, the Chief Controlling Revenue-authority or the Chief Revenue authority shall be read as referring to the Resident in Mysore; references to a Secretary to a Local Government as referring to the First Assistant to the Resident in Mysore; references to a High Court as referring to the Court of the Resident in Mysore; and except where the context or the modifications hereinafter referred to otherwise require, references to British India or the territories subject to a Local Government as referring to the said Civil and Military Station of Bangalore;

Provided secondly, that the further modifications and restrictions set forth in the said schedule shall be made in the said enactments as so applied:

Provided thirdly that for the purpose of facilitating the application of the said enactments, any Court in the said Civil and Military Station of Bangalore

may construe the provisions thereof and any notifications orders, rules, forms or bye-laws thereunder with such alterations, not affecting the sibstance, as may be necessary or proper to adapt the same to the matter before the Court:

Provided, fourthly, that subject to the provisions of this notification the Resident in Mysore may direct by what officer any authority or power under the said enactments shall be exercisable.

II. All civil and criminal proceedings pending at the date of this Notification shall be carried on as if this notification had not been issued, but that, save as aforesaid, all proceedings commenced, officers appointed or authorised, jurisdictions or powers conferred or confirmed, notifications published, rules or bye-laws made, orders passed and things done under any of the enactments specified in the notification hereby superseded in the said Civil and Military Station of Bangalore shall be, as far as may be, deemed to have been respectively commenced, appointed or authorised, conferred or confirmed published, made, passed and done under the corresponding enactments specified in this notification.

Schedule.

1 to 59 x x x

60. The Indian Post Office Act, 1898, (VI of 1898)

61 to 89. x x x

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

1) The Indian Post Offices Act,
The Prisons (Protection) Act
& ss: 99 A to G of Cr: P. Code
relate to matters coming under
S. 124 A: (Sedition)

2) The only other circumstances under
which the Govr-Genl in Council (the Govr-
Genl himself has no power. & in the
Govr-Genl in Council who can take action)
can act are those mentioned in Sc 26 of the
Post offices Act.

3) Both under 26 of the Post offices Act
& ss. 99 A - to G of the Cr. P. Code,
the approval can only be given by the
High Court within 2 months of the action
4) Sec 26 only when action is taken under
S. 26 of the Post offices Act which even the
High Court has no power to interfere
But to bring s. 26 into operation, there must be
"the occurrence of any public emergency
or" "the interests of public safety
or tranquility" should demand
such action.

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

W D 1859—GHB—1,50 000—2 5-21

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Under Section 25 of the Post Office Act VI of 1898, any officer of the Post office empowered under the Section can intercept goods notified under Section 19 of the Sea Customs Act 1878 and deliver them to such officer as the Governor General in Council may appoint in this behalf.

On the occurrence of any public emergency or in the interests of the public safety or tranquility, the Governor General in Council or a local Government or any officer specially authorised in this behalf by the Governor General in Council may by order in writing direct that any postal article or class or description of postal articles in course of transmission by post shall be intercepted or detained or shall be disposed of in such manner as the authority issuing the order may direct (Section 26 Cl.(1). If any doubt arises as to the existence of a public emergency or as to whether any act done under Sub Section (1) was in the interest of the public safety or tranquility, a certificate signed by a Secretary to the Government of India or to the Local Government shall be conclusive proof on the point (Section 26 Clause 2).

Under Section 27B of the Post Office Act (as amended by Act XIV of 1922) read with Section 4 of the Indian States (Protection against Disaffection) Act of 1922, empowers any officer of the Post Office authorised by the Post Master

Under Section 25 of the Post Office Act VI of 1898, any officer of the Post office empowered under the Section can intercept goods notified under Section 19 of the Sea Customs Act 1878 and deliver them to such officer as the Governor General in Council may appoint in this behalf.

On the occurrence of any public emergency or in the interests of the public safety or tranquility, the Governor General in Council or a local Government or any officer specially authorised in this behalf by the Governor General in Council may by order in writing direct that any postal article or class or description of postal articles in course of transmission by post shall be intercepted or detained or shall be disposed of in such manner as the authority issuing the order may direct (Section 26 Cl.(1). If any doubt arises as to the existence of a public emergency or as to whether any act done under Sub Section (1) was in the interest of the public safety or tranquility, a certificate signed by a Secretary to the Government of India or to the Local Government shall be conclusive proof on the point (Section 26 Clause 2)

Under Section 27B of the post Office Act (as amended by Act XIV of 1922) read with Section 4 of the Indian States (Protection against Disaffection) Act of 1922, empowers any officer of the post Office authorised by the post Master

General in this behalf to detain any postal article in course of transmission by post which he suspects to contain any newspaper or book or any document containing any matter punishable under the Section 124 A of the Indian Penal Code as in force in Mysore

Act VI of 1898.
(Indian Post Office Act).

Section 26. (1) On the occurrence of any public emergency, or in the interest of the public safety or tranquility the Governor General in Council, or a local Government, or any officer specially authorised in this behalf by the Governor General in Council, may, by order in writing, direct that any postal articles or class or description of postal articles in course of transmission by post shall be intercepted or detained, or shall be disposed of in such manner as the authority issuing the order may direct.

(2) If any doubt arises as to the existence of a public emergency, or as to whether any act done under sub section (1) was the interest of the public safety or tranquility, a certificate signed by a Secretary to the Government of India or to the Local Government shall be conclusive proof on the point.

Section 27B. (1) Any officer of the Post Office, authorised by the Postmaster General in this behalf may detain any postal article in course of transmission by post which he suspects to contain--

(a) (i) any newspaper or book as defined in the Press and Registration of Book Act 1867; or

(ii) any document;

containing any seditious matter, that is to say, any matter the publication of which is punishable under section 124A of the Indian Penal Code; or

(b) any newspaper as defined in the

Press and Registration of Books Act, 1867, edited, printed or published otherwise than conformity with the rules laid down in that Act;

and shall deliver any postal article so detained to such officer as the Local Governme may appoint in this behalf.

(2) Any officer detaining any postal article under the provisions of sub sections (1) shall forthwith send by post to the addressee of such article notice of the fact of such detention

x x x

The Indian States (Protection against Disaffection) Act 1922.

3(1) Whoever edits, printed or publishe or is the author of, any book newspaper or other document which brings or is intended to bring into hatred or contempt, or excites or is intended to excite disaffection toward any Prince or Chief of a State in India or the Government or Administration established in any such State, shall be punishable with imprisonment which may extend to five years, or with fine, or with both.

x x x

4. The provisions of sections 99A to 99G of the Code of Criminal procedure, 1898, and of section 27B to 27D of the Indian Post Office Act, 1898, shall apply in the case of any book, newspaper or other document containing matter in respect of which any perso is punishable under section 3 in like manner as they apply in the case of a book, newspape or document containing seditious matter withi the meaning of those sections.

5. No Court inferior to that of a presidency Magistrate or a Magistrate of the first

class shall proceed to the trial of any offence under Section 3, and no Court shall proceed to the trial of any such offence except on complaint made by, or under authority from, the Governor General in Council.

Extract from General Clauses Act (X of 1897)

(Civil Courts Manual page 110b).

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29. "Local Government" shall mean the person authorised by law to administer executive Government in the part of British India in which the Act or Regulation containing the expression operates, and shall include a Chief Commissioner.

Extract from General Clauses Act (X of 1897)

(Civil Courts Manual page 110b).

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29. "Local Government" shall mean the person authorised by law to administer executive Government in the part of British India in which the Act or Regulation containing the expression operates, and shall include a Chief Commissioner.

The Inspector General of Police says in his letter that the President and Secretary of the Labour Union are in touch with some of the foreign labour agitators who advocate violent methods and therefore proposed that the Residency should be moved to authorise him to seize their correspondence through the Post and Telegraph offices.

It is not clear on what materials this suspicion is based and there is nothing to show that such materials are available or that attempts have been made to collect them.

If there is proper material to prove the suspicion and if it is intended to take action under the authority of the Government of India the Residency shall have to be moved in the matter under the Princes Protection Act 1922, The Indian Post Offices Act 1898 and the Mysore Post Office Regulation of 1899 and I have put up the enclosed note showing how action could be taken under above enactments.

This procedure is likely to take some time and the Government of India shall have to be satisfied of the existence of those circumstances which can be held to justify any action taken under the Princes Protection Act or under the Indian Post Offices Act.

For the present purposes I think the Inspector General of Police may be instructed to send the District Superintendent of Police to the

Post Master concerned and have an informal talk with him in the matter and persuade him to deliver any such suspected correspondence. If approved the Inspector General of Police will be informed accordingly.

Under sec 5 of the Mysore Post office Regulation I of 1899, the law as to the regulation of Post offices as in force in British India shall be deemed to apply to Mysore, so far as may be suitable: though perhaps this provision may not be workable

Since this Act is not made applicable to Mysore "mutatis mutandis" as required by S. 31 of the General Clauses Regulation (III of 1899)

to read references to Govt in Council or local Govt in the Post office Act VI of 1898 to mean Govt of Mysore, the Govt in Council or the local Govt can exercise jurisdiction under the Post office Act over the Post offices in Mysore.

Consequently, the powers vested under Sections 26 and 27B of the Post office Act to obtain any postal article (Newspaper or Books) in course of transmission by post and suspected of containing any matter seditious may be detained in the course of transmission by post in Mysore and under sec 124A of the Penal code punishable

Since sec 3 of the Indian States (Prot^n against Disaffection) Act of 1922 authorizes the Govt of India to take cognizance of any Seditious matter, printed or published in B. India against any Prince or Chief of State in India or the Govt established in any such State

the Residency may therefore be addressed to request the P.M.G. to move the Govt of India to extend sections 27B of the Post office Act to Mysore and to empower the Postal officers in the Mysore State to detain & hand over such postal articles to the officers of the Mysore Govt, under the provisions of 26B & 27B of the Post Offices Act